

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

ERIE INSURANCE COMPANY,	)	
	)	Case No. 3:19-cv-375
<i>Plaintiff/Counter-Defendant,</i>	)	
	)	Judge Travis R. McDonough
v.	)	
	)	Magistrate Judge H. Bruce Guyton
CLAIRE RAUSER and CAROL RAUSER,	)	
	)	
<i>Defendants/Counter-Plaintiffs</i>	)	
	)	
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	)	
CLAIRE RAUSER and CAROL RAUSER,	)	
	)	
<i>Third-Party Plaintiffs,</i>	)	
	)	
v.	)	
	)	
HITSON INSURANCE, INC., BRYAN	)	
INSURANCE GROUP, INC., MATTHEW	)	
BRYAN, and MICHELE SELF,	)	
	)	
<i>Third-Party Defendants.</i>	)	

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**ORDER**

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Before the Court are Plaintiff/Counter-Defendant Erie Insurance Company's motion to bifurcate trial (Doc. 156) and the parties' joint motion to extend deadlines for jury instructions, jury verdict form, and joint pre-trial order (Doc. 165). "In a trial where punitive damages are sought, the court, upon motion of defendant, shall bifurcate<sup>1</sup> the trial." *Hodges v. S.C. Toof &*

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<sup>1</sup> "During the first phase, the factfinder shall determine (1) liability for, and the amount of, compensatory damages and (2) liability for punitive damages in accordance with the standards announced above. During this phase, evidence of a defendant's financial affairs, financial condition, or net worth is not admissible. If the factfinder finds a

Co., 833 S.W.2d 896, 901 (Tenn. 1992). Accordingly, the motion to bifurcate trial (Doc. 156) is **GRANTED**.

For good cause shown, the motion to extend deadlines (Doc. 165) is **GRANTED** and the scheduling order in this case will be amended as follows:

2. **Other Scheduling Matters:**

- (a) **Special Requests to Instruct for Jury Trial:** The parties shall confer and submit a joint proposal for jury instructions on or before **October 22, 2021**. Before submitting the joint proposal to the Court, the parties must attempt to resolve any disagreements. To the extent there are disagreements as to specific instructions that cannot be resolved, the parties should provide competing instructions in their joint proposal. All jury instructions in the joint proposal, including agreed instructions and competing instructions, shall be supported by citations of authority pursuant to Local Rule 7.4. A copy of the proposed jury instructions should be sent to **mcdonough\_chambers@tned.uscourts.gov**.
3. **Final Pretrial Conference:** A final pretrial conference will be held in Courtroom 1A on **October 25, 2021**, at **3:00 p.m.** at the U. S. Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee. The parties shall prepare and submit a final pretrial order to the Court on or before the date of the final pretrial conference. A sample copy of the final pretrial order is located on the district court's web page at **http://www.tned.uscourts.gov**. The parties should file trial briefs on anticipated evidentiary and legal issues at least three business days before the Final Pretrial Conference. Prior to the final pretrial conference, the parties should file an exhibit list with exhibits pre-marked for identification purposes.
4. **Trial:** The trial of this case will be held in **Greeneville** before the United States District Judge **and a jury** beginning on **November 8, 2021**, at **9:00 a.m.** If this case is not heard immediately, it will be held in line until the following day or anytime during the week of the scheduled trial date. **SHOULD THE SCHEDULED TRIAL DATE CHANGE FOR ANY REASON, THE OTHER DATES CONTAINED IN THIS ORDER SHALL REMAIN AS SCHEDULED. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD NOTIFY THE COURT AND SEEK AN ORDER CHANGING THOSE DATES.**

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defendant liable for punitive damages, the amount of such damages shall then be determined in an immediate, separate proceeding.” *Hodges*, 833 S.W.2d at 901.

**SO ORDERED.**

*/s/ Travis R. McDonough*

**TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE**